

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RENEE MIHALIK,

Plaintiff

-against-

CREDIT AGRICOLE CHEUVREUX NORTH
AMERICA, INC.,

Defendant.

-----X

Docket No.: 09-CV-01251 (DAB)

**AFFIDAVIT OF
MATTHEW T. SCHATZ**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, MATTHEW T. SCHATZ, being duly sworn, depose and say as follows:

1. As an associate at the firm of Schwartz & Perry, LLP, attorneys for Plaintiff Renee Mihalik ("Mihalik"), I am familiar with the facts and circumstances of this litigation and submit this Affidavit in Opposition to the motion of Credit Agricole Cheuvreux North America, Inc., ("Cheuvreux") for summary judgment.

2. Attached hereto are true and correct copies of Exhibits in this matter, which Mihalik urges the Court to review and consider, and which are described as follows:

Exhibit	Description
A	Complaint
B	Email from Ian Peacock "w[e] think she would be a great asset and fit to the team."
C	Email received by Peacock containing the names of references for Renee Mihalik along with Peacock's handwritten notes.
D	Email from Ian Peacock to all of Cheuvreux NY dated July 10, 2007 welcoming Renee Mihalik to the team.

E	Email from Khaled Beydoun dated July 20, 2007 that states, "new girl just hired at Cheuvreux (5'6 good shape)..."
F	Email from Ian Peacock dated June 15, 2007 that refers to Mihalik as "very presentable."
G	Email from Ian Peacock dated July 10, 2007 that states "another lady on the team for you."
H	Email from Ian Peacock dated December 4, 2007 announcing the departure of Simone Charles.
I	Email from Ian Peacock dated March 6, 2008 announcing the hiring of Ellen Haas.
J	Draft of email Renee Mihalik wrote to Ian Peacock.
K	Offer letter between Renee Mihalik and Cheuvreux.
L	Email from Ian Peacock dated June 27, 2007 describing the roles of each member of the AES team.
M	Email from Renee Mihalik dated April 10, 2008 notifying Peacock of the signing of a new client along with Peacock's response.
N	Formal Warning to Renee Mihalik dated April 11, 2008.
O	Handwritten notes of Ian Peacock.
P	US Alternative Execution Services brochure.
Q	Separation Agreement from Citigroup
R	Email from Renee Mihalik dated August 9, 2007 regarding the prospect Absolute.
S	Email from Renee Mihalik dated July 31, 2007 stating that she will be out sick.
T	Email from Melissa Crilley dated August 13, 2007 and the response of Renee Mihalik regarding vacation time.
U	Email chain between Renee Mihalik and Adam Hartzell.
V	Email from Ian Peacock to Renee Mihalik dated March 20, 2008 regarding the cold calling assignment.
W	Email from Jerry Lees dated November 2, 2007 regarding setting up a formal sales program.

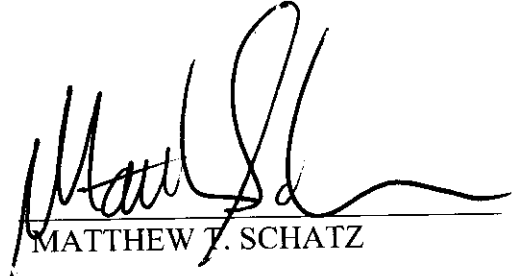
X	Email from Renee Mihalik Dated November 12, 2007 regarding changes to U.S. Trading Brochure.
Y	Email from Renee Mihalik dated December 17, 2007 attachment and email chain between Renee Mihalik and Richard Baumann.
Z	Agenda for Mihalik's January 2008 visit to European offices.
AA	Email chain between Renee Mihalik and Matthew McClean.
BB	Email from Renee Mihalik requesting days off along with Peacock's approval.
CC	Email from Renee Mihalik requesting days off along with Peacock's approval.
DD	Agenda for Mihalik's April 2008 California visit.
EE	Email from Ian Peacock to Francois Simon dated April 15, 2008.
FF	Email from Renee Mihalik requesting days off.

3. Attached hereto is the Affidavit of Renee Mihalik, under the tab, "Mihalik Aff."
4. Attached under the tab marked "Mihalik Depo." are excerpts from the deposition transcript of the Plaintiff.
5. Attached under the tab marked "Peacock Depo." are excerpts from the deposition transcript of Ian Peacock.
6. Attached under the tab marked "Zack Depo." are excerpts from the deposition transcript of David Zack.
7. Attached under the tab marked "Citi Depo." are excerpts from the deposition transcript of Tracy Platt on behalf of Citigroup.
8. Attached under the tab marked "Yenicay Depo." are excerpts from the deposition transcript of Altan Yenicay, M.D.
9. Attached under the tab marked "Powers Depo." are excerpts from the deposition

transcript of Mark Powers.

10. As described in Mihalik's opposition papers, Cheuvreux has failed to satisfy its burden of establishing that no genuine issues of material fact and credibility clearly exist, making the drastic relief of summary judgment inappropriate.

Dated: New York, New York
December 16, 2010



MATTHEW T. SCHATZ

Sworn to before me this
16th day of December 2010



NOTARY PUBLIC

Steven J. Pallonetti
Notary Public, State of New York
No. 02PA6193266
Qualified in Richmond County
Commission Expires September 15, 2012